

— **EXHIBIT 4** —

From: [Zina Bash](#)
To: [Justin Boley](#)
Cc: [bterrell@terrellmarshall.com](#); [amcentee@terrellmarshall.com](#); [Kenneth Wexler](#); [Zoran Tasic](#); [dgustafson@gustafsongluek.com](#); [dhedlund@gustafsongluek.com](#); [Michelle Looby](#); [Dan Nordin](#); [mstevens@gustafsongluek.com](#); [bcebulash@tcclaw.com](#); [klandau@tcclaw.com](#); [erosin@tcclaw.com](#); [Warren Postman](#); [steve@hbsslaw.com](#); [Steig Olson](#); [Adam Wolfson](#); [Barbara Mahoney](#); [Albert Pak](#)
Subject: RE: Amazon
Date: Thursday, August 5, 2021 11:33:19 AM

Justin, thanks for your note. As discussed, we see *De Coster* as covering all aspects of your cases and so believe that consolidation for all purposes is warranted. We intend to file a motion to that effect. We are aware of your stand-alone tying count and will decide whether that count should be separately included in our complaint before final amendments are due.

Thanks again.

Zina Bash
Partner

Keller | Lenkner

111 Congress Avenue, Suite 500 | Austin, TX, 78701
[512.620.8375](#) | [Email](#) | [Bio](#) | [Website](#)

From: Justin Boley <jnb@wexlerwallace.com>
Sent: Thursday, August 5, 2021 10:25 AM
To: Zina Bash <zina.bash@kellerlenkner.com>
Cc: [bterrell@terrellmarshall.com](#); [amcentee@terrellmarshall.com](#); [Kenneth Wexler](#) <kaw@wexlerwallace.com>; [Zoran Tasic](#) <zt@wexlerwallace.com>; [dgustafson@gustafsongluek.com](#); [dhedlund@gustafsongluek.com](#); [Michelle Looby](#) <mlooby@gustafsongluek.com>; [Dan Nordin](#) <dnordin@gustafsongluek.com>; [mstevens@gustafsongluek.com](#); [bcebulash@tcclaw.com](#); [klandau@tcclaw.com](#); [erosin@tcclaw.com](#); [Warren Postman](#) <wdp@kellerlenkner.com>; [steve@hbsslaw.com](#); [Steig Olson](#) <steigolson@quinnemanuel.com>; [Adam Wolfson](#) <adamwolfson@quinnemanuel.com>; [Barbara Mahoney](#) <barbaram@hbsslaw.com>
Subject: RE: Amazon

Zina,

Thanks for taking the time this week to discuss consolidation. As noted on the phone, we think the tying misconduct supports a separate and distinct case but we also understand that there are some efficiencies to be gained by coordinating proceedings in front of the same judge. As such, we would agree to consolidate the *Hogan* and *Seberson* actions with *De Coster* for the limited purpose of coordinating logistics (i.e., a single master docket and possibly matching or close-to-matching schedules, etc.), but we do not think consolidation for all purposes is appropriate. We can coordinate discovery and other tasks where it makes sense but the substantive differences between the MFN and Tying claims are sufficient enough in our view to warrant separate treatment.

Consistent with that approach, and to avoid inconsistent rulings, we would file a single amended

complaint combining the *Hogan* and *Seberson* actions. The amended complaint would drop our Section 2 monopolization count and only proceed with the Section 1 tying count. That change would eliminate the potential for inconsistent rulings on the monopolization relevant market element. If this approach works for you, we can stipulate to consolidation for coordination purposes and come up with language along those lines for the court.

Thanks again for talking with us this week and I hope we can work together. If it would be helpful for us to get on the phone again, please let us know.

Justin N. Boley

WEXLER WALLACE LLP

55 West Monroe, Suite 3300 // Chicago, IL 60603

T 312.346.2222 // F 312.346.0022 // DIRECT T 312.261.4542

From: Zina Bash <zina.bash@kellerlenkner.com>

Sent: Monday, August 2, 2021 5:27 PM

To: Justin Boley <jnb@wexlerwallace.com>

Cc: bterrell@terrellmarshall.com; amcentee@terrellmarshall.com; Kenneth Wexler <kaw@wexlerwallace.com>; Zoran Tasic <zt@wexlerwallace.com>; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; Michelle Looby <mlooby@gustafsongluek.com>; Dan Nordin <dnordin@gustafsongluek.com>; mstevens@gustafsongluek.com; bcebulash@tcllaw.com; klandau@tcllaw.com; erosin@tcllaw.com; Warren Postman <wdp@kellerlenkner.com>; steve@hbsslaw.com; Steig Olson <steigolson@quinnemanuel.com>; Adam Wolfson <adamwolfson@quinnemanuel.com>; Barbara Mahoney <barbaram@hbsslaw.com>

Subject: RE: Amazon

Justin,

Thanks for your email. We are available tomorrow at 1:00 CT to discuss. Conference line is below. Look forward to speaking.

Toll-Free Dial-in (US/Canada): 1-800-201-6394

Conference Code: 321122

Zina Bash

Partner

Keller | Lenkner

111 Congress Avenue, Suite 500 | Austin, TX, 78701

[512.620.8375](tel:512.620.8375) | [Email](#) | [Bio](#) | [Website](#)

From: Justin Boley <jnb@wexlerwallace.com>

Sent: Monday, August 2, 2021 2:24 PM

To: Zina Bash <zina.bash@kellerlenkner.com>

Cc: bterrell@terrellmarshall.com; amcentee@terrellmarshall.com; Kenneth Wexler <kaw@wexlerwallace.com>; Zoran Tasic <zt@wexlerwallace.com>; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; Michelle Looby <mlooby@gustafsongluek.com>; Dan Nordin <dnordin@gustafsongluek.com>; mstevens@gustafsongluek.com; bcebulash@tcllaw.com; klandau@tcllaw.com; erosin@tcllaw.com; Warren Postman <wdp@kellerlenkner.com>; steve@hbsslaw.com; Steig Olson <steigolson@quinnemanuel.com>; Adam Wolfson <adamwolfson@quinnemanuel.com>
Subject: Re: Amazon

Zina,

Thanks for reaching out. Are you and relevant team members available tomorrow 1:00pm central for a call to discuss? If that's a bad time, we could also do any time after 1:00pm.

Justin N. Boley
Wexler Wallace LLP
312.261.4542 (direct)
312.550.0450 (cell)
jnb@wexlerwallace.com

On Aug 2, 2021, at 11:43 AM, Zina Bash <zina.bash@kellerlenkner.com> wrote:

Counsel,

We are counsel for Plaintiffs in *De Coster et al. v. Amazon*, Case No. 2:21-cv-00693, and believe that your cases, *Hogan v. Amazon*, Case No. 2:21-cv-00996, and *Sebersson v. Amazon*, 2:21-cv-01009, are related to and should be consolidated with *De Coster*. We would like to file a stipulation to consolidate or motion to consolidate—depending on your view of consolidation—early this week. Would you let us know your position with respect to consolidation at your earliest opportunity? We are available to discuss with you live.

Thank you.

Zina Bash
Partner

Keller | Lenkner

111 Congress Avenue, Suite 500 | Austin, TX, 78701
[512.620.8375](tel:512.620.8375) | [Email](#) | [Bio](#) | [Website](#)